

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

WILLIE CONYERS and ERICA CONYERS	:	CIVIL ACTION
	:	
v.	:	
AMALIER CONZAGUE-MONTIJ and	:	NO.
NATIONAL FREIGHT, INC.	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

<u>5/14/13</u> Date	<u>Mitchell S. Berger, Esquire</u> Attorney-at-Law	<u>Amalier Gonzague-Montij and</u> <u>National Freight, Inc.</u> Attorney for
<u>(215) 564-3800</u> Telephone	<u>(215) 564-1301</u> Fax Number	<u>berger@ryanbrown.com</u> E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 8122 Williams Avenue, Philadelphia, PA 19150

Address of Defendant: Amalier Gonzague-Montij, 301 Fordney St., Fall River, MA - National Freight, Inc., 71 West Park Avenue, Vineland NJ 08360

Place of Accident, Incident or Transaction: On I-84 in Tolland, CT at or near Exit 68

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, _____, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: May 14, 2013

Mitchell S. Berger, Esquire
Attorney-at-Law

62004

Attorney I.D.#

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

WILLIE CONYERS AND ERICKA CONYERS

DEFENDANTS

NATIONAL FREIGHT, INC.
AMALIER GONZAGUE-MONTIJ(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Cumberland (NJ)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Kevin Kelly, Esquire, 1700 Market Street
Philadelphia, PA 19103 (215) 972-1500Attorneys (If Known)
Mitchell S. Berger, Esquire - 1600 Market Street
Philadelphia, PA 19103 (215) 564-3800

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

V. ORIGIN

- (Place an "X" in One Box Only)
- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/14/2013

SIGNATURE OF ATTORNEY OF RECORD

Mitchell S. Berger

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIE CONYERS	:	CIVIL ACTION
and	:	
ERICA CONYERS. H/W	:	
	:	NO.
v.	:	
	:	
AMALIER GONZAGUE-MONTIJ	:	
and	:	
NATIONAL FREIGHT, INC.	:	

NOTICE OF REMOVAL

Defendants Amalier Gonzague-Montij and National Freight, Inc., by their counsel, Ryan, Brown, Berger & Gibbons, P.C., hereby submit this Notice of Removal and in support thereof state as follows:

1. This action, originally filed in the Court of Common Pleas, Philadelphia County, April Term, 2013, No. 003595, stems from an alleged December 14, 2011 motor vehicle accident. A true and correct copy of Plaintiff's Complaint is attached hereto as Exhibit "A."
2. Plaintiffs filed this litigation in the Philadelphia Court of Common Pleas and requested damages in excess of \$50,000. See Exhibit "A."
3. In the Complaint Plaintiff Willie Conyers alleges that as a result of the incident he sustained severe bodily injuries including, but not limited to, cervical sprain and strain; thoracic sprain and strain; myofascitis of the trapezii; lumbosacral sprain and strain with disc protrusions at L4-L5 and L5-S1; post traumatic cephalgia; multiple bruises, lacerations and abrasions,

together with a severe shock to his nervous system, some or all of which may be permanent in nature and, as a result, the Plaintiff has suffered and continues to suffer pain and inconvenience as a result of these injuries. See Exhibit "A."

4. Plaintiff further alleges that he has been obliged to receive and under medical attention and care and to incur various expenses for same and he may be obliged to continue to undergo such medical care and to incur such expenses for an indefinite time in the future. See Exhibit "A."

5. As a further result of the foregoing, Plaintiff alleges that he has suffered, and will continue to suffer, a severe loss of his earnings and/or impairment of earning capacity or power, which loss and/or impairment has or may exceed the sum recoverable under the limitations in the Pennsylvania Financial Responsibility Law. See Exhibit "A."

6. Plaintiff further alleges that he has suffered in the past, and will continue to suffer in the future, excruciating and agonizing pains, aches, mental anguish, humiliation, disfigurement and limitation and restriction of his usual duties, pursuits and pleasures.

7. Jurisdiction is proper under 28 U.S.C.A. §1332, as Plaintiff is a citizen of Pennsylvania, Defendant National Freight, Inc. is a corporation in the State of New Jersey and Defendant Amalier Gonzague-Montij is alleged to be a citizen of Massachusetts and, upon information and belief, Plaintiffs alleged damages, if proven, are in excess of \$75,000.

WHEREFORE, Defendants National Freight, Inc. and Amalier Gonzague-Montij respectfully request that Plaintiffs' action be removed to this Court.

Respectfully submitted,

RYAN, BROWN, BERGER & GIBBONS, P.C.

By  _____

Mitchell S. Berger
Attorney for Defendants
Amalier Gonzague-Montij and
National Freight, Inc.
Attorney I.D. No. 62004

1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240
(215) 564-3800
(215) 564-1301 (Fax)
berger@ryanbrown.com

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Removal was forwarded via facsimile to:

Kevin P. Kelly, Esquire
1700 Market Street, Suite 3112
Philadelphia, PA 19103

RYAN, BROWN, BERGER & GIBBONS, P.C.

By  _____
Mitchell S. Berger

Dated: 5/14/13

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

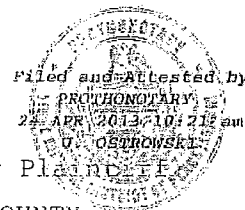
For Prothonotary Use Only (Docket Number)	
APRIL 2013 E-Filing Number: 1304041173 003595	
PLAINTIFF'S NAME WILLIE CONYERS	DEFENDANT'S NAME AMALIER GONZAGUE-MONTIJ
PLAINTIFF'S ADDRESS 8122 WILLIAMS AVENUE PHILADELPHIA PA 19150	DEFENDANT'S ADDRESS 301 FORDNEY STREET FALL RIVER MA
PLAINTIFF'S NAME ERICKA CONYERS	DEFENDANT'S NAME NATIONAL FREIGHT, INC.
PLAINTIFF'S ADDRESS 8122 WILLIAMS AVENUE PHILADELPHIA PA 19150	DEFENDANT'S ADDRESS 71 WEST PARK AVENUE VINELAND NJ 08360
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 2
COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> FILED PRO PROTHY APR 24 2013 J. OSTROWSKI </div>	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>WILLIE CONYERS , ERICKA CONYERS</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY KEVIN P. KELLY	ADDRESS 1700 MARKET STREET SUITE 3112 PHILADELPHIA PA 19103
PHONE NUMBER (215) 972-1500	FAX NUMBER (215) 972-8217
SUPREME COURT IDENTIFICATION NO. 28306	E-MAIL ADDRESS kkelly@kellyherronlaw.com
SIGNATURE OF FILING ATTORNEY OR PARTY KEVIN KELLY	DATE SUBMITTED Wednesday, April 24, 2013, 10:21 am

FINAL COPY (Approved by the Prothonotary Clerk)

THIS IS NOT AN ARBITRATION MATTER
ASSESSMENT OF DAMAGES HEARING IS NOT REQUIRED
JURY TRIAL IS DEMANDED

KELLY & HERRON, P.C.

BY: KEVIN P. KELLY, Esquire
ATTORNEY I.D. No: 28306
1700 Market Street, Suite 3112
Philadelphia, PA 19103-3914
(215) 972-1500



Attorney for Plaintiff

WILLIE CONYERS and
ERICKA CONYERS, H/W
8122 Williams Avenue
Philadelphia, PA 19150

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS

vs.

TERM, 2013

AMALIER GONZAGUE-MONTIJ

301 Fordney Street
Fall River, MA
and

NO.

NATIONAL FREIGHT, INC.

71 West Park Avenue
Vineland, NJ 08360

COMPLAINT IN CIVIL ACTION
2V - Motor Vehicle Accident

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandants y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SINO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral and Information Service
One Reading Center
Philadelphia, PA 19107
(215) 238-1701

Case ID: 130403595

COMPLAINT IN CIVIL ACTION

1. Plaintiffs, Willie Conyers and Ericka Conyers, are adult individuals, husband and wife, residing at the above-captioned address.
2. Defendant, Amalier Gonzague-Montij, is an adult individual residing at the above-captioned address.
3. Defendant, National Freight, Inc., (hereinafter "NFI") is, upon information and belief, a foreign corporation permitted to conduct business pursuant to the laws of the Commonwealth of Pennsylvania, maintaining a principle place of business and/or registered address for service of process at the above-captioned address.
4. On or about December 14, 2011, and at all times relevant hereto, defendant, Amalier Gonzague-Montij, acted as an agent, servant, workman, employee, driver, and/or other representative of defendant, NFI, and at all times acted in the course and scope of his employment with defendant, NFI, under the direct supervision and control of defendant, NFI, in the furtherance of the business of defendant, NFI, and with the full knowledge, permission and consent of defendant, NFI.
5. On or about December 14, 2011, and at all times relevant herein, defendant, NFI, regularly and continuously conducted business in the City and County of Philadelphia, PA.
6. On or about December 14, 2011, and at all times relevant herein, defendant, Amalier Gonzague-Montij, possessed, controlled and operated a tractor-trailer owned by Defendant, NFI, and involved in the accident hereinafter described.
7. On or about December 14, 2011, Defendant, Amalier

Gonzague-Montij, was operating the above-described tractor-trailer in the right eastbound lane of I-84 in Tolland, CT, and when at or near Exit 68, he so carelessly and negligently operated said vehicle as to fall asleep at the wheel, suddenly and unexpectedly striking the rear of the vehicle operated by plaintiff, Willie Conyers, who was there and then traveling in the right eastbound lane of I-84 in a careful, cautious and lawful manner.

8. The collision described in the preceding paragraphs of this Complaint was caused by the carelessness and negligence of the Defendant, Amalier Gonzague-Montij, both generally and in the following particular respects:

- (a) Failing to observe the vehicle occupied by the plaintiff;

- (b) Failing to maintain a proper lookout;

- (c) Failing to maintain adequate control of the operation of said motor vehicle;

- (d) Operating said motor vehicle at a speed which was excessive under the circumstances;

- (e) Failing to stop said motor vehicle within the assured clear distance ahead;

- (f) . Operating said motor vehicle without due regard for the point and position of Plaintiff's motor vehicle; and

- (g) Failing to operate said motor vehicle with due care and regard for the health and safety of Plaintiff.

9. The aforesaid collision, which caused the plaintiff's injuries and losses, was a direct and proximate result of the negligent and careless conduct of the defendant owner, NFI, which consisted of the following:

a. failing to exercise due care for the rights, safety and position of the plaintiff at the location of the aforesaid;

b. failing to maintain the vehicle in proper working order;

c. negligently and carelessly granting permission to the defendant driver, Amalier Gonzague-Montij, for the use of the vehicle owned by the defendant owner when the latter defendant knew or should have known that the former defendant was incapable or unwilling to properly and safely operate said vehicle.

10. The defendant owner, NFI, is liable to the plaintiff for the damages suffered as more fully set forth hereinbefore by virtue of the failure to investigate the qualifications and capabilities of the defendant driver, Amalier Gonzague-Montij, to operate the tractor-trailer which the defendant driver was operating at the time of the incident.

COUNT ONE

**WILLIE CONYERS v. AMALIER GONZAGUE-MONTIJ
and NATIONAL FREIGHT, INC.**

11. Plaintiffs incorporate herein by reference paragraphs one through ten of this Complaint as though same were fully set forth at length.

12. As a result of the Defendants' negligence and the accident caused thereby, Plaintiff, Willie Conyers, sustained severe bodily injuries including, but not limited to, cervical sprain and strain; thoracic sprain and strain; myofascitis of the trapezii; lumbosacral sprain and strain with disc protrusions at L4-L5 and L5-S1; post traumatic cephalgia; multiple bruises, lacerations and abrasions, together with a severe shock to his

nervous system, some or all of which may be permanent in nature and, as a result, the Plaintiff has suffered and continues to suffer pain and inconvenience as a result of these injuries.

13. As a further result of the foregoing, the Plaintiff has been obliged to receive and under medical attention and care and to incur various expenses for same and he may be obliged to continue to undergo such medical care and to incur such expenses for an indefinite time in the future.

14. As a further result of the foregoing, the Plaintiff has suffered, and will continue to suffer, a severe loss of his earnings and/or impairment of earning capacity or power, which loss and/or impairment has or may exceed the sum recoverable under the limitations in the Pennsylvania Financial Responsibility Law.

15. As a further result of the foregoing, the Plaintiff has suffered in the past, and will continue to suffer in the future, excruciating and agonizing pains, aches, mental anguish, humiliation, disfigurement and limitation and restriction of his usual duties, pursuits and pleasures.

WHEREFORE, Plaintiffs demand judgment against the Defendants, individually, jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

COUNT TWO
ERICKA CONYERS v. AMALIER GONZAGUE-MONTIJ
and NATIONAL FREIGHT, INC.

16. Plaintiffs incorporate herein by reference paragraphs one through fifteen of this Complaint as though same were fully set forth at length.

VERIFICATION



I, Willie Conyers, hereby state:

1. I am the Plaintiff in this action;
2. I verify that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said pleading are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Willie Conyers
WILLIE CONYERS

DATED: 4.22.2013